

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VANESSA JIMENEZ, *individually and on behalf of all*  
*others similarly situated*,

Plaintiff,

-v-

PRO THERAPY SUPPLIES, LLC,

Defendant.  
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22-CV-4375 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

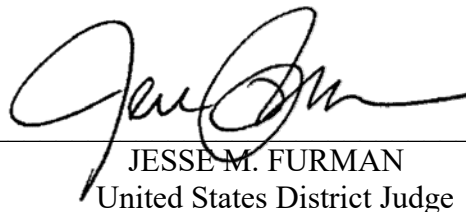
Defendant was required to answer or otherwise respond to the First Amended Complaint, ECF No. 14, by August 25, 2022. Defendant did not seek, nor did the Court grant, any extensions to that deadline. Instead, Defendant waited until October 4, 2022 — more than a month after the deadline — to file a motion to dismiss. *See* ECF No. 19. Making matters worse, this comes after the Court denied Defendant’s motion to dismiss the original Complaint as unsupported because Defendant did not file a memorandum of law in support of its motion, *see* ECF No. 13, and did not seek a *nunc pro tunc* extension to do so after the Court invited one.<sup>1</sup>

In light of the foregoing, Defendant’s motion to dismiss is DENIED as untimely. Defendant shall file an answer **within fourteen days of the date of this Order**. *See* Fed. R. Civ. P. 12(a)(4)(A). Absent a timely answer, the Court will invite Plaintiff to move for entry of a default judgment.

The Clerk of Court is directed to terminate ECF No. 19.

SO ORDERED.

Dated: October 6, 2022  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge

<sup>1</sup> Making matters even worse, this is not the only case before the undersigned in which counsel has done these things. *See, e.g.*, September 19, 2022 Order (ECF No. 18), *Jimenez v. VeganCuts Inc.*, No. 22-CV-5376 (JMF) (S.D.N.Y. filed June 25, 2022).